IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Contempt Petition NO. 176 OF 2006

Mr. Vrijesh Kumar Verma . ... Petitioner
VS.
Union of India and ors . ... Respondents

Mr. K. K. Waghmare for petitioner
Mr. P. M. Pradhan Sr. Counsel
with Ms. Rutuja Ambekar for respondents

CORAM: D. G. KARNIK **J.**

DATE: 28th September 2006

P.C.:

1. Heard learned counsel for the parties. This petition has been filed alleging that the respondents have committed breach of the order dated 30th September 2005 passed in writ petition no. 6436 of 2005. When this writ petition came up for hearing it was pointed out by the respondent that the petitioner had filed a statutory appeal before the respondent no.2, the Chief of Army Staff and that the appeal was pending. In view of this the court declined to examine the merits of the claim of the petitioner, but directed the respondent no.2 to dispose of the appeal filed by the petitioner within a period of 12 weeks.

2. The contempt petition has been filed alleging that the

respondent has not decided the appeal within the period of 12 weeks. Today an affidavit in reply sworn in by Major Leena Gurav dated 20th September 2006 is tendered in the court. Copy of the affidavit has also been served on the respondent. In the affidavit in reply it has been stated that the appeal has since been decided and the copy of the decision is annexed to the affidavit in reply. Learned counsel for the respondent no.2 has stated that the respondent no.2 was busy in matters relating to the security of the State and therefore could not decide the appeal within the stipulated time. He has stated that he had no intention to disobey the order and the appeal has been decided as early as possible. The statement is accepted. The delay in making the decision not deliberate is condoned. As there is no deliberate breach of the order passed by this court the contempt petition is disposed of.

(D. G. KARNIK J.)